

A RESOLUTION

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE

01- *R* -1392

**A RESOLUTION AUTHORIZING PAYMENT IN THE
AMOUNT OF \$2,000.00 IN SETTLEMENT OF THE CLAIM
OF LIBERTY MUTUAL GROUP AS SUBROGEE OF
KENNETH HAYDEN CASEY AGAINST THE CITY OF
ATLANTA AND FOR OTHER PURPOSES**

WHEREAS, Liberty Mutual Group as subrogee of Kenneth Hayden Casey has filed a claim against the City of Atlanta seeking damages arising out of a collision between a vehicle operated by Todd Peck, an employee of the Department of Police, and Mr. Casey's vehicle; and

WHEREAS, the collision occurred when the City employee rear ended the claimant's vehicle; and

WHEREAS, the claimant has asserted damages in the amount of \$5,729.60, but has agreed to accept the sum of \$2,000.00 in full and complete satisfaction and settlement of its subrogation claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of **Liberty Mutual Group as subrogee of Kenneth Hayden Casey** be settled for the sum of \$2,000.00.

WHEREAS, this claim was previously denied by City Council on September 5, 2000.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that resolution number 00-R-1246 be hereby rescinded and that \$2,000.00 be paid by the City of Atlanta in satisfaction of any and all claims **Liberty Mutual Group as subrogee of Kenneth Hayden Casey** may have stemming from damages sustained as a result of a vehicular collision that occurred at I-285 and GA Highway 166 on November 1, 1999.

BE IT FURTHER RESOLVED that the Chief Financial Officer be and hereby authorized to pay the above mentioned sum from account number 1A01/529017/T31001.

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0188

Date: August 23, 2001

Claimant /Victim LIBERTY MUTUAL GROUP AS SUBROGEE OF KENNETH HAYDEN CASEY

BY: (Atty.) (Ins. Co.) _____

Address: 5000 Tilghman Street, Suite 300, Allentown, PA 18104

Subrogation: X Claim for Property damage \$ 5,729.60 Bodily Injury \$ _____

Date of Notice: 03/29/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 11/01/99 Place: I-285 and GA Highway 166

Department Police Division: _____

Employee involved Todd Peck Disciplinary Action: Oral Admonishment

NATURE OF CLAIM: The driver of the City vehicle was following too closely and rear-ended the claimant's vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver X Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 2,000.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 08-23-01

Committee Action: _____ Council Action _____

**LIBERTY
MUTUAL.**



Mitchell
03/24/00
DM

Liberty Mutual Group

Commerce Plaza
5000 Tilghman Street, Suite 300
Allentown, PA 18104
(610) 391-9391
(800) 521-0986

MARCH 14, 2000

**CITY OF ATLANTA
POLICE DEPARTMENT
675 PONCE DE LEON
ATLANTA GA 30308**

**ENTERED - 3-29-00 - SB
00L0188 - DIANNE MITCHELL**

OUR INSURED: KENNETH HAYDEN CASEY
OUR CLAIM NUMBER: PD586-418313-01
YOUR INSURED: CITY OF ATLANTA
YOUR CLAIM NUMBER: UNKNOWN
DATE OF LOSS: 11/01/99
PLACE OF LOSS: 1 285 ATLANTA, GA

Dear CITY OF ATLANTA

Our investigation shows your Insured is responsible for this loss.

Enclosed is our subrogation documentation to justify our claim.

We have paid	\$ 5738.10
Salvage (if applicable)	\$ 517.50
Our Insured's Deductible	\$ 500.00
Total Amount of Damages	\$ 5729.60

Please show our file number when you forward your check to my attention.

Sincerely,
PATRICIA COLLINS, EXT 282
Subrogation Department

ENCLOSURE

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0188

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to Todd Peck, from any and all claims,
demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account
of anything that has heretofore occurred, and particularly for or on account of a vehicular accident

which occurred on or about the 1st day of November, 1999,
at or near Interstate 285 and Georgia Highway 166

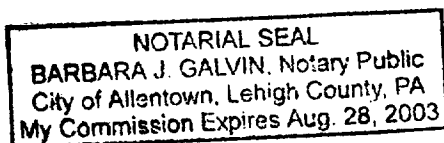
It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 13 day of August, 2001, 2000.

Anna Awson (LS)
LIBERTY MUTUAL GROUP AS SUBROGEE OF
KENNETH HAYDEN CASEY

The above release was read and explained to, and signed by the said *Team*
Manager in our presence on the date above written.



Barbara J. Galvin

Witnesses